

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

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MATTHEW A. SMITH,

Plaintiff,

v.

SOCIAL SECURITY ADMINISTRATION,

Defendant.

Case No. 2:20-cv-02342-DJA

**ORDER**

This matter is before the Court on Plaintiff Matthew A. Smith's Motion/Application for Leave to Proceed in forma pauperis (ECF No. 1) and Complaint (ECF No. 1-1), filed on December 28, 2020. He indicates that he is currently employed and earns \$3,800.00 per month. Plaintiff also lists expenses of \$2,385.00 (although his handwriting is difficult to read) along with estimated expenses for this lawsuit of \$7,000, student loans of \$50,000, and creditors for \$10,000. However, given that the Court finds that this case is subject to dismissal for the reasons explained below, it will deny his application.

Plaintiff identifies his residence as Denver, Colorado. He appears to want to challenge an administrative decision denying his request for Social Security disability benefits. Plaintiff alleges that there is diversity jurisdiction. While it is true that the Social Security office in Las Vegas is diverse from Plaintiff who is a Colorado resident, he fails to provide sufficient evidence that the District of Nevada is the proper venue to challenge a decision issued by the Social Security Office in Lakewood Colorado. Furthermore, Plaintiff does not establish that he has appealed the Agency's decision to the Appeals Council and gotten a final determination to make this ripe for review. As a result, the Court will deny his application without prejudice and order dismissal of this action for lack of appropriate venue and failure to exhaust administrative remedies.

1 Plaintiff also filed a Motion to Admit Evidence (ECF No. 4) on January 12, 2021. He  
2 appears to want to submit some unidentified evidence to the Court prior to any defense counsel's  
3 appearance. This request is procedurally improper and lacks sufficient detail for the Court to  
4 determine what type of evidence he is seeking to admit or for what purpose. Moreover, given that  
5 the Court finds this case should be dismissed, it will deny this request.

6 **IT IS THEREFORE ORDERED** that Plaintiff Matthew A. Smith's Motion/Application  
7 for Leave to Proceed in forma pauperis (ECF No. 1) is denied and this case is dismissed without  
8 prejudice.

9 **IT IS FURTHER ORDERED** that Plaintiff's Motion to Admit Evidence (ECF No. 4) is  
10 denied.

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12 DATED: January 27, 2021

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15 DANIEL J. ALBREGTS  
16 UNITED STATES MAGISTRATE JUDGE  
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